

# APPENDIX A

## EQAC RESOLUTIONS AND POSITIONS NOVEMBER, 2004 THROUGH NOVEMBER, 2005

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**ENVIRONMENTAL QUALITY ADVISORY COUNCIL  
RESOLUTION SUPPORTING SMART GROWTH  
ACROSS THE COUNTY**

February 9, 2005

**WHEREAS**, The Land Use Section of the Comprehensive Plan clearly outlines the objectives across the County that includes:

- Objective 1: "... a clear future vision of an attractive, prosperous, harmonious, and efficient community",
- Objective 2: "...areas of community focus which contain a mixture of compatible land uses",
- Objective 3: "...a supply of land sufficient to meet the needs for housing, commercial, industrial, institutional, and recreational, and leisure activities",
- Objective 4: "...diverse housing stock ... to enhance opportunities for County Residents to live in proximity to their workplace and/or mass transit",
- Objective 6: "have a land use pattern that increases transportation efficiency, encourages transit use, and decreases automobile dependency"; and

**WHEREAS**, The Board's recently adopted plan for Environmental Excellence in Fairfax County lists Land Use Goals that incorporate the following Smart Growth Principles on good urban growth and elements of New Urbanism including:

1. Use clustering and mixed-use development when appropriate to utilize space efficiently and provide perpetual open space.
2. Promote walkable communities using mixed-use development and village-style neighborhoods.
3. Maximize mixed-use development near transit stops and expand public transportation to employment centers. Provide convenient transportation choices such as subway, light rail, commuter bus, connector bus, and monorail.
4. Make employment centers, such as Tyson's Corner, self-contained vibrant places to live and work by ensuring mixed-use, pedestrian friendly, transit-oriented development.
5. Use our land and other resources wisely by
  - concentrating employment and multi-family housing near transit services (and by expanding those transit services);
  - integrating pedestrian-oriented neighborhood commerce (markets, restaurants, services) into new residential neighborhoods;
  - providing pedestrian amenities whenever possible, such as sidewalks and trails; traffic calming; street furniture in shopping areas; transit shelters; and urban building design;
  - providing parking incentives for carpoolers; encourage transit use by reducing the use of parking subsidies where appropriate; and

**WHEREAS**, Population growth and transportation congestion are increasing across the County; and

**WHEREAS**, The economic growth and vitality of the county will and should continue; and

**WHEREAS,** Continued growth without including provisions of smart growth principles and elements of New Urbanism with increase transportation congestion and decrease the overall quality of life; and

**WHEREAS,** The Board of Supervisors recently adopted a Land Use amendment incorporating smart growth and New Urbanism concepts in the Fairlee area, next to the Vienna Metro, that provides mixed use near the Metro station including 2,250 additional housing units, and a Floor Area Ratio (FAR) of 2.25 within ¼ mile of the Metro; and

**WHEREAS,** The recently adopted Fairlee amendment calls for Transportation Demand Management (TDM) with specific goals to reduce automobile trips (another concept of New Urbanism and smart growth);

**THEREFORE, BE IT RESOLVED,** That EQAC supports the recent Board of Supervisors amendment at Fairlee and commends the Board for its commitment to the Environmental principles set forth in both the Comprehensive Plan and the Environmental Vision; and

**BE IT FURTHER RESOLVED,** That EQAC recommends the Board continue to:

1. Apply the objectives defined in the Land Use Section of the Comprehensive Plan and the goals stated in the Fairfax Environmental Excellence Vision; and
2. Encourage land use decisions that foster walkable communities with transportation designs and alternatives that enhance the overall quality of life in Fairfax County.

## **ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

### **A RESOLUTION ON FAIRFAX COUNTY'S STORMWATER MANAGEMENT PROGRAM AND A PROPOSED STORMWATER UTILITY**

**March 9, 2005**

**Whereas**, the Fairfax County Board of Supervisors formed the Stormwater Advisory Committee, a citizens committee to address Fairfax County's stormwater program and funding issues; and

**Whereas**, EQAC was one member of this committee; and

**Whereas**, the Stormwater Advisory Committee recommendations will be presented to the Board of Supervisors on March 28, 2005; and

**Whereas**, the Stormwater Advisory Committee reached unanimous agreement on some recommendations: (1) the need for a dedicated source of funding for the stormwater management program and (2) support for the County Executive's proposed dedication of one cent of general revenue that will be added to the normal funding for stormwater management; and

**Whereas**, the Stormwater Advisory Committee reached agreement to start a stormwater utility in FY2007 with an overwhelming majority; and

**Whereas**, this same overwhelming majority of the Committee agreed that a portion of the County Executive's stormwater budget proposal for FY2006 be used to do the necessary planning and setup of a stormwater utility so that the stormwater utility starts in FY2007; and

**Whereas**, the same overwhelming majority of the Committee believes that a stormwater utility is fairer than using the general fund as a source of funding for stormwater management since payment in a utility will be based on impervious surface (the cause of the problem) rather than assessed value of property; and

**Whereas**, a stormwater utility program supported by a stormwater utility fee also offers credits that will reward and encourage practices that reduce the impact of stormwater runoff;

**Therefore be it resolved**, that EQAC recommends the following to the Board of Supervisors:

- A dedicated source of funding be established for the stormwater management program;
- The Board of Supervisors adopt the County Executive's proposal for FY2006 that a dedicated one cent from the general fund be added to the normal funding for stormwater management;
- The Board of Supervisors institute a stormwater utility that will start in FY2007 with preparation starting in FY2006

# FAIRFAX COUNTY ENVIRONMENTAL QUALITY ADVISORY COUNCIL

March 23, 2005

Board of Supervisors  
County of Fairfax  
12000 Government Center Parkway  
Fairfax, VA 22035

Dear Chairman Connolly and Members of the Board:

On March 9, 2005, the Environmental Quality Advisory Council (EQAC) met with the Fairfax County Park Authority Board for a discussion of the Park Authority's stewardship activities. During the discussion, it was noted by Park Authority staff that they had submitted a funding addendum to the Fiscal Year 2006 budget for \$305,000 in support of natural resource inventory activities and to combat invasive non-native plants; this additional funding was not included in the proposed FY 2006 budget.

These additional funds would allow the Park Authority to begin implementing its recently adopted Natural Resource Management Plan, which supports the Board of Supervisors' Environmental Agenda. EQAC strongly recommends that the Board consider this request of a funding addendum to the FY 2006 budget for the Park Authority.

Sincerely,

[Signed]

Stella Koch, Chairman  
Environmental Quality Advisory Council

## ENVIRONMENTAL QUALITY ADVISORY COUNCIL

### RESOLUTION SUPPORTING THE PRESERVATION OF CONTIGUOUS OPEN SPACE

July 13, 2005

WHEREAS, The Environment Section of the Comprehensive Plan clearly sets forth a goal in support of the preservation of open space stating:

*“Fairfax County should support the conservation of appropriate land areas in a natural state to preserve, protect and enhance stream valleys, meadows, woodlands, wetlands, farmland, and plant and animal life. Small areas of open space should also be preserved in already congested and developed areas for passive neighborhood uses, visual relief, scenic value, and screening and buffering purposes”; and*

WHEREAS, The Comprehensive Plan recognizes that the amount of open space within the County decreased by over 30% between 1975 and 1995; and

WHEREAS, Development and growth will continue to occur throughout the County; and

WHEREAS, The Comprehensive Plan has recognized the benefit of open space, stating:

*"It is desirable to conserve a portion of the County's land in a condition that is as close to a predevelopment state as is practical. A conserved network of different habitats can accommodate the needs of many scarce or sensitive plant and animal species. Natural open space also provides scenic variety within the County, and an attractive setting for and buffer between urban land uses. In addition, natural vegetation and stream valleys have some capacity to reduce air, water and noise pollution"; and*

WHEREAS, Large tracts of open space are becoming more scarce with increased development; therefore

BE IT RESOLVED, That EQAC commends the Board of Supervisors for its efforts to preserve open space and for its commitment to the Environmental principles set forth in the Comprehensive Plan; and

BE IT FURTHER RESOLVED, That EQAC recommends the Board to continue to:

1. Pursue the goals set forth in the Environment Section of the Comprehensive Plan;
2. Encourage the preservation of contiguous, un-fragmented natural areas to achieve the greatest benefit from open space in the County, preserving ecological communities in their entirety where it is possible; and
3. Refrain from using natural, open areas that have been designated as parkland for the construction of new roads or utility rights-of-way, thereby preserving natural areas, which are becoming increasingly scarce in the county.

**2006 EQAC LEGISLATIVE PROPOSAL—ADOPTED BY EQAC ON AUGUST 10, 2005**

**GENERAL SUBJECT AREA -- TITLE OF PROPOSAL**

NATURAL RESOURCES- FUNDING

**PROPOSAL:**

Support increased funding for natural resources, including increased funding for the Water Quality Improvement Fund ("WQIF") and the Virginia Land Conservation Fund ("VLCF").

**BACKGROUND:**

The Virginia constitution makes protection of our natural resources a core function of state government. However, for several years prior to the 2004 General Assembly session, general fund allocations to state agencies responsible for natural resources were dramatically reduced to the point that less than one percent of Virginia's budget was spent on natural resources. Prior to the 2004 legislative session, Virginia ranked 50<sup>th</sup> in the nation for per capita spending on natural resources.

Virginia is losing its open space, historic sites, forests and farms at an alarming rate. Studies have found that nearly half a million acres of prime Virginia farmland were lost between 1987 and 1997 and an average of 54,000 acres of forestland were lost each year between 1992 and 2000. The VLCF was created to provide matching funds to protect land for conservation purposes. It leverages federal, local and private investment to protect farms, forests, open space, parks, natural areas and historic resources.

According to a study by the Chesapeake Bay Commission, Virginia has grossly inadequate funding to achieve water quality commitments made when it signed the Chesapeake 2000 Agreement. That agreement includes a pledge to conserve 20% of the land in the Chesapeake Bay watershed and to reduce pollutants flowing into the Bay, including a reduction of 26 million pounds of nitrogen pollutants by 2010. The WQIF makes matching grants to finance water quality improvements, including restoration of the Chesapeake Bay and its tributaries.

In 2004, the General Assembly appropriated the first new funding in several years for natural resources. Since 2000, the VLCF and the WQIF had received zero funding. In 2005, the General Assembly increased funding for the WQIF by \$50 Million and for the VLCF by \$10 Million. This one time appropriation for water quality and land conservation, while welcome, is inadequate to meet the enormous long-term needs of the Commonwealth. For example, the Northern Virginia Regional Commission supports a minimum annual state general fund appropriation of \$30 million for the WQIF and minimum annual funding of \$50 million for the VLCF. The Virginia Conservation Network has called for the state to set a goal of 2% of the general fund budget to be appropriated for natural resource funding. To achieve that goal would require an increase of \$90 Million over current funding levels.

## POSITION INFORMATION SHEET

EQAC recommends that Fairfax County support increased funding for natural resources generally and for the WQIF and VLCF in particular.

### **RECOMMENDATION:**

### **POSSIBLE SUPPORT OR OPPOSITION BY ORGANIZATIONS:**

Organizations that support increased funding for natural resources include the Virginia Conservation Network, which includes over 100 member organizations, the Sierra Club, the Northern Virginia Regional Commission and the Virginia Association of Counties.

Opposition to increased funding for natural resources could be expected to come from anti-tax groups and advocates of other state programs that compete with natural resource funding for limited state funds.

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**2006 EQAC LEGISLATIVE PROPOSAL—ADOPTED BY EQAC ON AUGUST 10, 2005**

**GENERAL SUBJECT AREA -- TITLE OF PROPOSAL**

ZONING- ADEQUATE PUBLIC FACILITIES ORDINANCE

**PROPOSAL:**

Support legislation to give localities authority to adopt an adequate public facilities ordinance. Legislation should permit localities to adopt provisions in their subdivision ordinances for deferring the approval of subdivision plats or site plans when they determine that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. The legislation should also provide that an expressed purpose of zoning ordinances is to protect against an undue rate of development in relation to existing or available public facilities. Such legislation should not require the localities to construct the necessary infrastructure within a time frame established by the General Assembly.

**BACKGROUND:**

In Virginia, local government lacks authority to manage the pace and timing of development that has been approved, even when there are inadequate public facilities to serve the new development. In recent legislative sessions, numerous attempts to authorize adequate public facilities ordinances have not been successful.

The Board of Supervisors' recently enacted Environmental Agenda commits to pursuing "state enabling legislation to ensure adequate infrastructure is in place for new development".

EQAC recommends that Fairfax County support enabling legislation to authorize localities to adopt adequate public facilities ordinances.

**RECOMMENDATION:**

## POSITION INFORMATION SHEET

### **POSSIBLE SUPPORT OR OPPOSITION BY ORGANIZATIONS:**

Members of the Virginia legislature who have sponsored or co-patroned adequate public facilities ordinance authorizing legislation include Senators Chichester, Norment, Houck and Mims and Delegates Sickles, Marshall, William Howell and Orrock.

The Virginia Coalition of High Growth Communities (an organization comprised of at least 25 jurisdictions within Virginia, including Fairfax County) supports authorization for an adequate public facilities ordinance.

Numerous civic and environmental associations are on record supporting adequate public facilities legislation. Some of these organizations include the Virginia Conservation Network, The Virginia Chapter of the Sierra Club, the Virginia Municipal League, and the Virginia Association of Counties.

Opposition will probably come from certain segments of the business community, especially developers. The Fairfax Chamber of Commerce and the Northern Virginia Association of Realtors are on record as opposing adequate public facilities legislation.

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## **ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

### **RESOLUTION SUPPORTING DPWES TREE PRESERVATION LEGISLATIVE PROPOSAL**

September 14, 2005

WHEREAS, the Fairfax County Department of Public Works and Environmental Services has proposed Tree Preservation Legislation for inclusion in the Board of Supervisor's legislative package for the 2006 Virginia legislative session; and,

WHEREAS, the proposed legislation would amend Virginia State Code Section 15.2-961 to enable certain jurisdictions, including Fairfax County, to require the preservation of trees and woodlands when these exist on sites prior to development; and,

WHEREAS, current enabling legislation deals strictly with tree canopy replacement and provides little incentive for tree preservation; and,

WHEREAS, without enabling tree preservation language, the preservation of existing trees and their associated environmental benefits will continue to be overlooked in favor of planting new trees which can take many decades to provide the same level of air and water quality benefits that are provided by existing trees; and,

WHEREAS, the County's objective to preserve existing tree canopy is set forth in the Residential Development Criteria, which provides that all rezoning applications "should be designed to take advantage of the existing quality tree cover"; and,

WHEREAS, the legislative initiative proposed by DPWES is consistent with the policies and objectives set forth in the Board of Supervisors' Environmental Agenda, including the objective of protecting and enhancing the environment; and,

WHEREAS, the legislative initiative proposed by DPWES is consistent with past resolutions adopted by the Environmental Quality Advisory Council.

NOW, THEREFORE, BE IT RESOLVED, That EQAC recommends that the Tree Preservation Legislation proposed by DPWES be included in the Fairfax County 2006 Virginia General Assembly Legislative Program.

# **Environmental Quality Advisory Council**

## **Resolution regarding Reclassification of Perennial Streams**

**November 9, 2005**

**Whereas,** practically all streams in Fairfax County have streambeds consisting of a sediment layer comprised of particles ranging in size from silt to coarse gravel and small stones; and

**Whereas,** these sedimentary streambeds may range from an inch or two up to several feet in thickness, except for those few short stretches where the sediment layer may have been scoured down to a stone bench or the channel armoring layer; and

**Whereas,** scientific research and engineering studies have shown conclusively that, in addition to the flow of water above the bed, there is continuous flow through these sedimentary streambed layers; and

**Whereas,** many of these studies have shown that such “through-the-bed flow” persists even when the “above-the-bed flow” is diminished to the point of absence during seasonally dry periods or during drought conditions; and

**Whereas,** such sediment layers form an important habitat for many invertebrate species and insect larvae and play a much more important role chemically than the “above surface” waters; and

**Whereas,** it has become apparent that the mere absence of “above-the-bed” water for some portion of the length a stream often gives an erroneous and misleading result if relied upon for classification or reclassification of the stream; and

**Whereas,** if a stream is perennial above a certain reach and perennial below that same reach, it is a logical impossibility that the reach in question should be deemed intermittent; and

**Whereas,** in addition to measurements taken in the particular stream reach being considered for reclassification it is essential to check in both the upstream and downstream directions to determine the presence of “above-the-bed flow”, the presence of “through-the-bed flow”, and the flow rates; and

**Whereas,** federal agencies such as the U.S. Geological Survey, Bureau of Land Management, Corps of Engineers, and Environmental Protection Agency, as well as numerous state and local agencies, use a variety of proven techniques, such as dye injection tests, isotope tests, bore holes, and piezometry (a testing procedure) to determine flow through sedimentary streambeds; and

**Whereas,** Fairfax County has developed a generally excellent protocol, which utilizes 26 factors in order to determine an initial classification for a stream, but which contains no criterion for evaluation of “through-the-bed flow” in the streambed; and

**Whereas,** the Chesapeake Bay Preservation Ordinance (CBPO) and Public Facilities Manual (PFM) presently rely only on a visual observation of absence of “above-the-bed flow” as the basis for changing the stream classification from perennial to intermittent; and

**Whereas,** the County staff has drafted language that would correct this deficiency in the procedures for reclassification of streams; and

**Whereas,** the County staff has proposed detailed requirements for notifying nearby neighbors of any proposed reclassification study; now therefore

**Be it resolved,** that the CBPO and the PFM be modified to include a provision that reclassification of a stream or any portion thereof, where “above-the-bed flow” is not apparent, shall require determination by County staff of the presence or absence of dynamic pools of water in the sedimentary bed, or the presence of water at the true channel bottom which is located below the moveable bed load at the top of the channel armoring layer, and where either determination finds water present, that shall be regarded as conclusive proof of perenniality; and

**Be it further resolved,** that the above determination may include, if required, physical tests such as dye injection, isotope migration, bore holes, piezometry or other standard methods to determine “through-the-bed flow/flow rate;” and

**Be it further resolved,** that any stream reach being considered for reclassification shall have the “above-the-bed flows,” “through-the-bed flows,” presence of dynamic pools, and presence of water at channel bottom determined upstream to the beginning of perenniality as shown on the adopted maps and downstream for 150 feet from the reach in question; and

**Be it finally resolved,** that the notification of nearby neighbors of the proposed reclassification, as has been proposed by the County staff, be incorporated in the CBPO and the PFM, as appropriate.